

Application Serial No. 10/531,218
Reply to Office Action July 9, 2008

PATENT
Docket: CU-4148

REMARKS

1. In the Office Action dated July 9, 2008, the Examiner states that Claims 1 and 4 are pending and Claims 1 and 4 are rejected. As only Claims 1 and 4 are currently pending in this application, Applicant refers only to claims 1 and 4 below. The Applicant believes that the remarks made over the Claims and fully responsive to and overcome the rejections.

2. Rejection of Claim 1 under 35 U.S.C. §103(a).

In paragraph 3 of the Action, the Examiner rejects Claim 1 as obvious under 35 U.S.C. 103(a) over the disclosure in the specification on page 1, lines 19-23, page 2 lines 1-12), in view of reference 1 (Sucech; U.S. 5,643,510) and in view of reference 2 (Diez et al. U.S. 5,240,639).

The Applicant respectfully disagrees and submits that Claim 1 is non-obvious.

Claim 1 discloses a combination of features that are not disclosed or suggested by the references. In particular, Claim 1 discloses:

"wherein the pore size adjusting agent contains at least one substance selected from the group consisting of agents for increasing sizes of the foams in the foamed gypsum slurry and agents for decreasing sizes of the foams in the foamed gypsum slurry";

"the agent for increasing sizes of the foams in the foamed gypsum slurry contains at least one substance selected from the group consisting of water-soluble acidic substances, strong acids, and water-soluble strong alkaline substances";

"the agent for decreasing sizes of the foams in the foamed gypsum slurry contains at least one substance selected from the group consisting of sulfosuccinate-type surface active agents, sarcosinate-type surface active agents, alkylbenzene sulfonate-type surface active agents, alkane sulfonate-type surface active agents, and alkylbetaine-type surface active agents"; and

"a content of the pore size adjusting agent in the foaming agent is 0.00001 parts by weight through 0.005 parts by weight per 100 parts by weight of the calcined gypsum".

At least these features of Claim 1 are not disclosed or suggested by the

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references alone or in combination. Therefore, Claim 1 would not be obvious to one skilled in the art in view of reference 1 and references 2, bearing in mind the disclosure in the specification.

In particular, " $\text{CH}_3(\text{CH}_2)_x\text{CD}_2(\text{OCH}_2\text{CH}_2)_y\text{OSO}_3\text{-M}^+$ " as disclosed in claim 6 of reference 1 and " $\text{R}_x(\text{OCH}_2\text{CH}_2)_y\text{OSO}_3\text{M}$ " as recited in claim 1 of reference 2 are both sulfates having a structure of $-\text{OSO}_3^-$ and do not correspond to "alkane sulfonate-type surface active agents" (salts having a structure of alkyl group) - SO_3^- , wherein there is no oxygen (O) atom between the alkyl group and the sulfur (S) atom) as is recited in Claim 1.

Therefore, the feature of "the agent for decreasing sizes of the foams in the foamed gypsum slurry contains at least one substance selected from the group consisting of sulfosuccinate-type surface active agents, sarcosinate-type surface active agents, alkylbenzene sulfonate-type surface active agents, alkane sulfonate-type surface active agents, and alkylbetaine-type surface active agents," as recited in Claim 1 is not disclosed or suggested in any of the references, and nor is the feature "the agent for increasing sizes of the foams in the foamed gypsum slurry contains at least one substance selected from the group consisting of water-soluble acidic substances, strong acids, and water-soluble strong alkaline substances".

The Applicant respectfully disagrees, therefore, with the Examiner's position, as indicated on page 5, lines 3-5 of the Office Action, that "The claimed 'pore size adjusting agent'" reads on a second foaming agent such as alkyl sulfate".

The Applicant asserts that at least for the reasons stated above, Claim 1 is non-obvious over references 1 and 2, even taking the disclosure in the specification on page 1 line 19 to page 2 line 12. The Applicant respectfully requests that the Examiner withdraw this ground of rejection as to Claim 1.

3. Rejection of Claim 4 under 35 U.S.C. §103(a).

The Examiner also rejected Claim 4 under 35 U.S.C. §103(a) over the disclosure in the specification (as above) in view of references 1 and 2, and further in

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view of reference 3(SU 1252321) or reference 4 (JP10-330174).

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The Applicant respectfully disagrees and asserts that Claim 4 is non-obvious. It is axiomatic that if an independent claim is allowable, then any claim depending therefrom is also allowable. Since Claim 4 depends from Claim 1, the Applicant respectfully requests that the remarks made over Claim 1 be both reflected in dependent Claim 4, and also overcome the rejection of Claim 4. The method of Claim 1 is non-obvious and allowable, and any additional elements as are found in claims depending therefrom further serve to distinguish the claims from the alleged prior art. The Applicant respectfully requests that the rejection of Claim 4 be withdrawn.

In light of the foregoing response, all the outstanding rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date

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